

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, FEBRUARY 11, 2014, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Hanna, McLaughlin, Senesac, Stewart and Young

ABSENT: Heying, Mead, Pnacek and Tanzini

OTHERS PRESENT: Brad Kaye, Director of Planning and Community Development; Grant Murschel, Community Development Planner and twelve (12) others.

2. Approval of Minutes

- Moved by Hanna and seconded by Young to approve the minutes of the regular meeting of January 28, 2014. Motion passed unanimously.

3. Public Hearing

- a. **Zoning Petition No. 589** – the request of Tim Hortons to rezone property at 6200 Eastman Avenue from Office Service zoning to Regional Commercial zoning.

Kaye presented the application to the Commission. He explained that the property is an area of 0.63 acres. The property is on Eastman Ave. just south of Wackerly Street. The property is currently zoned OS Office Service and it is designated as Office Service by the Midland City's Master Plan.

Senesac wondered if any input has been received in support of this petition. Kaye explained that staff has not received any input in support of the petition.

Patrick Bell, 565 Grand River Avenue of Brighton, Michigan, represented the petition on behalf of Tim Hortons. He explained that the proposal is for zoning that will allow a new Tim Hortons Café and Bake Shop which will include a drive-thru. The restaurant will be a welcoming environment with free Wi-Fi, soft seating, a fireplace and flat screen TV's.

There were no public comments in support of the rezoning.

Ken Mault, of 6201 Woodpark Drive, explained that he lives behind the subject property and that he believes a commercial restaurant will only harm his neighborhood. He presented a letter by John and Judy Kawiecki, of 6113 Woodpark Drive. They could not be in attendance tonight. Mault explained that he is not opposed to business development but that development should be in the appropriate zones of the city. He is concerned about the potential increased traffic, lights and other things that would negatively impact his property and neighborhood. He presented crash statistics obtained from the Michigan State Police to the Commission.

Fred Rolph, co-owner of the building to the south at 6024 Eastman Ave., explained that his property was not allowed access onto Eastman Avenue when it was originally development and that there is a written agreement with the city to give access onto Harcrest Street. He wondered how a curb-cut at the subject parcel would impact traffic on Eastman and if they would even be allowed access onto Eastman.

Tina Killebrew, of 6121 Woodpark Drive, explained that she is very concerned with having a commercial business located near her family's property. She is concerned with loss of privacy,

additional noise and the desirability of her property. The hours of operation of the proposed business are a concern for her.

Hanna wondered if the applicant has been permitted a curb cut. Bell explained that at this time the application is for the rezoning and site design has not been discussed.

A motion was made by Senesac to waive the procedural requirements for a second meeting. The motion was seconded by Young.

YEAS: Young, Stewart, Senesac, Hanna and McLaughlin
NAYS: None
ABSENT: Heying, Mead, Pnacek, and Tanzini

Senesac explained that it is important to see this application as a petition to rezone to Regional Commercial and not to approve a Tim Hortons restaurant. He explained that this parcel was reviewed and discussed during the process of preparing the master plan. He believes that the right decision was made during that process as keeping it zoned Office Service and continuing the designation as Office Service on the master plan future land use map. He is opposed to the petition.

Young explained that the traffic impacts on Eastman Avenue and the hours of operation of a commercial business would not benefit the abutting residential neighborhood. He agrees with Senesac and is opposed to the petition.

Hanna explained her opposition to the petition. She believes that there is already a traffic problem on Eastman Avenue and additional development will not help that problem.

Stewart and McLaughlin agreed with the comments of Senesac, Young and Hanna.

Motion by Senesac and seconded by Young to recommend to City Council the approval of Zoning Petition No. 589 the request of Tim Hortons to zone property at 6200 Eastman Avenue from Office Service zoning to Regional Commercial zoning.

YEAS: None
NAYS: Young, Stewart, Senesac, Hanna and McLaughlin
ABSENT: Heying, Mead, Pnacek, and Tanzini

4. Old Business

None

5. Public Comments

None

6. New Business

None

7. Communications

None

8. Report of the Chairperson

None

9. Report of the Planning Director

Kaye informed the Commission that site plans for the Midland Place Apartments and the Midland Towne Center Storage Units were approved by City Council at their meeting the prior evening.

10. Items for Next Agenda – February 25, 2014

- a. Zoning Ordinance Updates**
- b. Discussion of Sign Standards in Zoning Ordinance**

11. Adjourn

Motion by Senesac and seconded by Hanna to adjourn 7:35 at pm. Motion passed unanimously.

Respectfully submitted,

C. Bradley Kaye, AICP, CFM
Director of Planning and Community Development

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